

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARIO H. CAPOGROSSO,

Plaintiff,

-against-

ALAN GELBSTEIN, *in his individual capacity*, IDA  
TRASCHEN, *in her individual capacity*, DANIELLE  
CALVO, *in her individual capacity*, SADIQ TAHIR,  
*in his individual capacity*, PEC GROUP  
OF NY, INC., DAVID SMART, and DMV  
COMMISSIONER MARK SCHROEDER,  
*in his official capacity*,

Defendants.

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**BLOOM, United States Magistrate Judge:**

The Court held a telephone status conference in this case on May 5, 2020.<sup>1</sup> As discussed on the record, plaintiff failed to comply with the safe harbor provision of Rule 11 of the Federal Rules of Civil Procedure and failed to establish a factual or legal basis upon which to impose sanctions; thus, plaintiff's motion for sanctions against the State defendants' counsel, ECF No. 120, is denied. See In re Pennie & Edmonds LLP, 323 F.3d 86, 90 (2d Cir. 2003) (discussing the showing required to impose sanctions pursuant to Rule 11 or the Court's inherent powers); Castro v. Mitchell, 727 F. Supp. 2d 302, 305–06 (S.D.N.Y. 2010) (collecting cases where courts denied motions for sanctions for failure to comply with the Rule 11 safe harbor provision).

During the conference, the Court suggested that plaintiff register for electronic case notifications. By registering for electronic notifications, plaintiff will be waiving his right to receive service of court issued documents such as notices, decisions, opinions, memoranda & orders, orders, judgments and appeal instructions in paper form by mail. Instead, plaintiff will be sent notices of electronic filing via e-mail. Because plaintiff will be receiving court-issued documents only in electronic form, plaintiff must maintain a valid email address and regularly check his email. For more information and for eligibility criteria, please review the enclosed

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<sup>1</sup> David Smart and Sadiq Tahir did not appear for the conference. The Court excuses their appearances. A transcript of the May 5, 2020 conference shall be made part of the record.

“Instructions for Pro Se Registration and Consent for Electronic Service of Orders and Notices Issued by the Court in Civil Cases.” If plaintiff is eligible and wishes to receive electronic notifications, plaintiff should complete the attached Registration and Consent form and return the form to the Court.

The Court shall hold a telephone status conference in this case on June 16, 2020 at 11:00 a.m. to discuss the parties’ depositions. The parties shall call the Chambers telephone conference line at (888) 363-4734 and use the access code 4444221 promptly at 11:00 a.m. The Clerk of Court is respectfully directed to mail this Order to plaintiff and the *pro se* defendants.

SO ORDERED.

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LOIS BLOOM  
United States Magistrate Judge

Dated: May 5, 2020  
Brooklyn, New York